

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ADAM M. GLOWKA,

Plaintiff,

v.

CIVIL ACTION NO. 5:14-cv-18500

UNITED STATES OF AMERICA and
MEDIC JEFFREY WALKER,

Defendants.

MEMORANDUM OPINION AND ORDER

On June 16, 2014, the Plaintiff filed a pro-se Complaint (Document 1). By *Standing Order* (Document 2) entered that same date, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On July 9, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 10) wherein it is recommended that this Court dismiss the Plaintiff's Bivens claim alleging a violation of his First and Fifth Amendment rights for his failure to state a claim for which relief may be granted and refer the matter back to the Magistrate Judge for further proceedings on the Plaintiff's FTCA claim and Bivens claim alleging a violation of his Eighth Amendment rights. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by July 28, 2014.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS**: 1) that the Plaintiff's Bivens claim alleging a violation of his First and Fifth Amendment rights be **DISMISSED** for his failure to state a claim for which relief may be granted; and 2) that this matter be **REFERRED** back to the Magistrate Judge for further proceedings on the Plaintiff's FTCA claim and Bivens claim alleging a violation of his Eight Amendment rights.

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: July 31, 2014


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA